

STATE OF MICHIGAN  
COURT OF APPEALS

UNPUBLISHED

July 18, 2013

In the Matter of  
IRVIN-BROWN/BROWN/IRVIN, Minors.

No. 313755  
Wayne Circuit Court  
Family Division  
LC No. 08-478214-NA

Before: STEPHENS, P.J., and WILDER and OWENS, JJ.

PER CURIAM.

Respondent appeals as of right the trial court's order terminating her parental rights over four minor children, pursuant to MCL 712A.19b(3)(c)(i), MCL 712A.19b(3)(g), and MCL 712A.19b(3)(j).<sup>1</sup> We affirm.

Respondent first argues that the trial court erred when it found that statutory grounds for terminating respondent's parental rights had been shown by clear and convincing evidence. We disagree.

We review a trial court's factual findings, including its determination that a statutory ground for termination of parental rights has been proven by clear and convincing evidence, for clear error. *In re Hudson*, 294 Mich App 261, 264; 817 NW2d 115 (2011). "A finding is clearly erroneous if, although there is evidence to support it, this Court is left with a definite and firm conviction that a mistake has been made." *Id.*

A trial court may terminate a respondent's parental rights if it finds that (1) a statutory ground under MCL 712A.19b(3) has been established by clear and convincing evidence and (2) that termination is in the children's best interests. *In re CR*, 250 Mich App 185, 194-195; 646 NW2d 506 (2001). The trial court terminated respondent's parental rights under MCL 712A.19b(3)(c)(i), MCL 712A.19b(3)(g), and MCL 712A.19b(3)(j), which provide:

(3) The court may terminate a parent's parental rights to a child if the court finds, by clear and convincing evidence, 1 or more of the following:

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<sup>1</sup> The children's fathers' rights were terminated as well, but those terminations are not the subject of this appeal.

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(c) The parent was a respondent in a proceeding brought under this chapter, 182 or more days have elapsed since the issuance of an initial dispositional order, and the court, by clear and convincing evidence, finds either of the following:

(i) The conditions that led to the adjudication continue to exist and there is no reasonable likelihood that the conditions will be rectified within a reasonable time considering the child's age.

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(g) The parent, without regard to intent, fails to provide proper care or custody for the child and there is no reasonable expectation that the parent will be able to provide proper care and custody within a reasonable time considering the child's age.

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(j) There is a reasonable likelihood, based on the conduct or capacity of the child's parent, that the child will be harmed if he or she is returned to the home of the parent.

The trial court did not clearly err in finding that all of the above grounds were met by clear and convincing evidence. The condition that led to adjudication was respondent's inability to protect and properly care for her children; specifically, in 2008, petitioner received complaints of physical neglect, improper supervision, and abandonment neglect. In one instance, when one of respondent's children was taken to the hospital for exhibiting serious symptoms (fever, difficulty breathing, and vomiting), it was discovered that the child had a broken rib, which was in the process of healing. Plus, another of respondent's children had received second- and third-degree burns from hot grease and suffered a gash on his head, "which was attributed to a fall." At the time of adjudication, a report noted that respondent had "little grasp of her responsibilities as a parent" and that respondent appeared to be "immature," and "emotionally detached and aloof."

As part of a plan for respondent, she was ordered to take parenting classes. However, while respondent completed one series of parenting classes in 2008, foster-care worker Tiana Brown testified that respondent did not benefit from them because there continued to be "allegations that the children were returning to their foster parent hungry, and were not very clean." As a result, respondent was given additional referrals for series of parenting classes. These additional referrals spanned nearly three years, but unfortunately, respondent never completed any of the series. While respondent started attending each of these additional series of classes, she was terminated from each of them for the same reason: she failed to meet the

attendance requirement.<sup>2</sup> Given the foregoing record, we are not left with a definite and firm conviction that the trial court erred in concluding that the ground under MCL 712A.19b(c)(i) was met because the conditions that existed at the time of adjudication continued to exist and that there was no reasonable likelihood that the conditions would be rectified within a reasonable time. Because only one statutory ground is necessary to support the termination of a parent's rights, we need not address whether any other conditions were satisfied as well.<sup>3</sup> *In re Ellis*, 294 Mich App 30, 32; 817 NW2d 111 (2011).

Respondent also claims in her statement of questions presented that termination of her parental rights deprived her of due process, but she does not develop that argument in her brief or assert that any particular aspect of the proceeding violated her right to due process. "An appellant may not merely announce his position and leave it to this Court to discover and rationalize the basis for his claims, nor may he give only cursory treatment with little or no citation of supporting authority." *Bronson Methodist Hosp v Mich Assigned Claims Facility*, 298 Mich App 192, 199; 826 NW2d 197 (2012). As a result, respondent has abandoned any due-process challenge on appeal.

Respondent next argues that the Department of Human Services ("DHS") did not provide with her services sufficient to allow her to rehabilitate herself. We disagree.

The trial court found that "[r]easonable efforts were made to preserve and unify the family to make it possible for the [minor children] to safely return to the [minor children's] home. Those efforts were unsuccessful." The DHS may offer services to a parent during a termination proceeding in an effort "to rectify the conditions that caused the child's removal from his or her home." MCL 712A.18f(1). "While the DHS has a responsibility to expend reasonable efforts to provide services to secure reunification, there exists a commensurate responsibility on the part of respondents to participate in the services that are offered." *In re Frey*, 297 Mich App 242, 248; 824 NW2d 569 (2012). As in *Frey*, "services were proffered, but respondent[] failed to either participate or demonstrate that [she] sufficiently benefited from the services provided." *Id.* Respondent was "offered various services and did participate in and complete certain mandated requirements of [her] treatment plan[, but she] failed to demonstrate sufficient compliance with or benefit from those services specifically targeted to address the primary basis for the adjudication in this matter." *Id.*

The unrefuted evidence in the lower court record indicated that respondent was adequately assisted with her search for housing and employment. She received bus tickets to go to Michigan Works and the public library to complete job applications on the computers there

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<sup>2</sup> Brown testified that a person is terminated from a series if the person misses two classes from that series.

<sup>3</sup> Regardless, we note that the same set of facts also support the trial court's determination under MCL 712A.19b(3)(g) and MCL 712A.19b(3)(j) because the fact that respondent did not complete and benefit from the parenting classes is evidence that her same, dangerous parenting habits have not been rectified.

and received “several” leads and applications from her therapist and Brown. Brown’s attempts to assist respondent in finding housing could only go so far, as long as respondent was not in compliance with her treatment plan, and respondent did not pursue other housing leads Brown provided her. Respondent’s complaint that she “found her parenting classes on her own . . . with no assistance or referral from the agency,” is not a cause for relief because it was her responsibility to do so. The order of adjudication setting out respondent’s treatment plan provided for “[p]arenting classes (intensive).” It did not direct any person or agency to refer respondent for the classes, and respondent does not explain whether or how the source of her referral would have improved her compliance with the treatment plan. Respondent was referred to individual counseling and consistently saw a therapist weekly. Therefore, when viewing the above evidence, we conclude that the trial court did not clearly err in finding that DHS expended reasonable efforts and provided reasonable services to respondent to secure reunification with the children.

Respondent next argues that the trial court clearly erred when it found that termination of her parental rights was in the minor children’s best interests. We disagree. We review the trial court’s best interest determination according to the same clear error standard used in reviewing the trial court’s decision regarding the statutory grounds for termination. *In re Olive/Metts*, 297 Mich App 35, 40; 823 NW2d 144 (2012).

The trial court must determine each child’s best interests individually. *Id.* at 42. To make that determination, “the court may consider the child’s bond to the parent, the parent’s parenting ability, [and] the child’s need for permanency, stability, and finality.” *Id.* at 41-42 (citations omitted). “[T]he preponderance of the evidence standard applies to the best-interests determination.” *In re Moss*, \_\_\_ Mich App \_\_\_, \_\_\_ NW2d \_\_\_ (Docket No. 311610, issued May 9, 2013), slip op, p 3.

The narrative section of the Order Terminating Parental Rights stated simply that “termination of parental rights of [respondent] . . . is in the childrens’ [sic] best interest.” While the order did not make individual best-interests determinations for each of the minor children, the court did so on the record at the hearing, where it stated that the children deserve a stable and permanent home and that there were suitable people ready to adopt. Although its findings were sparse and related only to the issue of adoption, its finding that termination of respondent’s parental rights was in the minor children’s best interests nonetheless was not clearly erroneous because respondent’s lack of progress over the protracted duration of this case jeopardized the minor children’s expectation of a stable and permanent home. First, as discussed above, there was evidence that respondent did not rectify her parental shortcomings, which posed a substantial danger to the children if they were placed back in her care. Second, she was last verifiably employed in 2009, three years before her parental rights were terminated, and showed little desire to find income after that, offering explanations of lack of transportation, waiting lines for computers, and pregnancy. She advanced similar excuses for missing one-third of the

visitation sessions offered to her in 2012. Because the minor children deserve a caretaker who appreciates and acts on their needs, the trial court did not clearly err when it found that termination was in their best interests.

Affirmed.

/s/ Cynthia Diane Stephens

/s/ Kurtis T. Wilder

/s/ Donald S. Owens